

### REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 5, 6, 8, 9, and 13 are currently pending. Claims 5, 6, 8, and 13 having been amended, and Claims 1-4, 7, 10, 11, and 12 having been canceled without prejudice or disclaimer. The changes and additions to the claims do not add new matter and are supported by the originally filed specification, for example, on original Claims 7 and 10; and Fig. 3.

In the outstanding Office Action, Claims 1-4 were rejected under 35 USC 102(b) as being anticipated by Koto et al. (JP-09-247670, hereafter “Koto”); Claims 2 and 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Koto in view of Binford et al. (U.S. Patent No. 6,285,405, hereafter “Binford”) (Applicants note that the Office Action appears to have mistakenly listed this as a rejection under 35 U.S.C. §102(b)); Claims 5-10 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shigeru et al. (JP-8-149464, hereafter “Shigeru”) in view of Masuo et al. (JP-9-9258, hereafter “Masuo”); Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Koto in view of the examiner’s Office Notice (Applicants note that the Office Action appears to have mistakenly listed this as a rejection under 35 U.S.C. §102(b)).

Applicants note that the examiner indicates on page 7 that should Claim 5 be allowable, Claim 13 will be objected to under 37 C.F.R. 1.75 as being a substantial duplicate thereof. However, Applicants note that Claim 5 recites means-plus function elements and Claim 13 does not. Therefore, Claim 5 invokes interpretation under 35 U.S.C. 112, sixth paragraph, but Claim 13 does not. Thus, Applicants respectfully submit that there is a clear difference between Claim 5 and Claim 13. Therefore, Applicants respectfully submit that it is improper for the Office Action to suggest that Claim 13 is a substantial duplicate of Claim 5.

With respect to the rejection of Claim 5 under 35 U.S.C. §103(a), Applicants respectfully submit that the present amendment to Claim 5, **which has been amended for clarification purposes and to incorporate the features of previous dependent Claim 7**, overcomes this ground of rejection. Amended Claim 5 recites, *inter alia*,

storage means for temporarily storing restored image information sequentially created by the decoding process and for temporarily storing the encoded information, the encoded information including a picture encoding type; and

output control means for controlling output of the restored image information stored in said storage means, wherein

said output control means, when restored image information fails to be stored in said storage means, re-outputs restored image information outputted just before the failure and ignores a decoding start time set for a first encoded information of a plurality of encoded information stored in said storage means, to start decoding prior to the decoding start time of the first encoded information, and

said output control means, when a storing order of encoded information being stored in said storage means is different from an order before the encoding, re-outputs restored image information corresponding to the encoded information having a different order.

Applicants submit that Shigeru and Masuo fail to disclose or suggest these features of amended Claim 5.

Shigeru is directed to an image decoder with a frame rate conversion function. Fig. 1 shows a buffer control part 10 and a input bit stream 100 is continuously stored in a buffer memory 71 which is attached to the control part 10. Shigeru appears to describe a situation when the data stored in buffer memory 71 does not correspond to the data in frame memories 72-74 due to an underflow situation, and then a redisplay of a preceding frame is carried out to compensate.

The Office Action acknowledges that Shigeru fails to disclose ignoring a decoding

start time set for a first encoded information of a plurality of encoded information stored in said storage means, to start decoding prior to the decoding start time of the first encoded information.

With regard to previous dependent Claim 7, the Office Action also acknowledges that Shigeru fails to disclose or suggest “said output control means, when a storing order of encoded information being stored in said storage means is different from an order before the encoding, re-outputs restored image information corresponding to the encoded information having a different order.” (See Office Action, at page 13).

The Office Action relies on Masuo to remedy the deficiencies of Shigeru with regard to previous Claims 5 and 7.

Masuo is directed to a decoding device in which there is a standard decoding mode for decoding encoded video data based on the a decoding start time, and a special decoding mode for performing decoding without using the information on the decoding start time. The Office Action appears to interpret the special mode in which Masuo which does not use a decoding start time as corresponding to “ignoring a decoding start time set for a first encoded information of a plurality of encoded information stored in said storage means, to start decoding prior to the decoding start time of the first encoded information,” as recited in previous Claim 5. (See Office Action, at pages 11-12).

Additionally, with regard to previous Claim 7, the Office Action takes the position that paragraph [0035] of Masuo discloses “when a storing order of encoded information being stored in said storage means is different from an order before the encoding, re-outputs restored image information corresponding to the encoded information having a different order.” (See Office Action, at page 13). Paragraph [0035] of Masuo describes the following.

The display picture data reading circuits 514 read picture image data for the decoded image data from either of three frame memories of the 1st frame memory 62 to the 3rd frame memory 64 according to display order. When a

picture is defined as a frame at this time it reads by dividing the picture image data of one picture into the field of two sheets suitable for a display which carried out the interlace and display picture data (video) is outputted via the video output interface circuitry 507.

Thus, this portion of Masuo describes reading picture image data according to a display order. However, nowhere does this portion, or the remainder of Masuo, explicitly describe that when the display order is different from an order before the encoding, restored image information is re-outputted corresponding to the encoded information which have a different order.

Therefore, Applicant submits that Masuo fails to disclose or suggest “***said output control means, when a storing order of encoded information being stored in said storage means is different from an order before the encoding, re-outputs restored image information corresponding to the encoded information having a different order.***”

Therefore, Applicant respectfully submits that amended Claim 5 (and all associated dependent claims) patentably distinguishes over Shigero and Masuo, either alone or in proper combination.

Koto and Binford have been considered, but fail to remedy the deficiencies of Shigeru and Masuo with regard to amended Claim 5. Therefore, Applicants respectfully submit that amended Claim 5 (and all associated dependent claims) patentably distinguishes over Shigeru, Masuo, Koto, and Binford, either alone or in proper combination.

Amended independent Claims 8 and 13 recite features analogous to those of amended Claim 5 discussed above. Therefore, Applicants respectfully submit that amended Claims 8 and 13 (and all associated dependent claims) patentably distinguish over Shigeru, Masuo, Koto, and Binford, either alone or in proper combination.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application is believed to be in condition for formal allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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